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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,872	02/27/2004	Michael Quinn	1378-01	9143
58388 7590 07/26/2007 GOWAN INTELLECTUAL PROPERTY 1075 NORTH SERVICE ROAD WEST SUITE 203 OAKVILLE, ON L6M-2G2 CANADA			EXAMINER PHAM, MINH CHAU THI	
			ART UNIT 1724	PAPER NUMBER
			MAIL DATE 07/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/789,872

Applicant(s)

QUINN ET AL.

Examiner

Minh-Chau T. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 22-28, 30, 39, 41, 42, 58 and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by either Smith (2,602,521) or Fleisher (2,636,572).

Smith teaches a filter matrix for cooking equipment (see col. 1, lines 1-8) comprising at least one filter screen layer having a predetermined apertures defined therein arranged in an array for the passage of cooking smoke therethrough to create a labyrinthine pathway through the filter structure (see details of Figs. 1-4, col. 2, line 53 through col. 3, line 39).

Fleisher teaches a filter matrix comprising at least one filter screen layer made of expanded metal having a predetermined apertures defined therein arranged in an array for the passage of cooking smoke therethrough to create a labyrinthine pathway through the filter structure (see details of Figs. 1-5, col. 2, line 40 through col. 4, line 55).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2, 4-21, 29, 31-38, 40 and 43-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Smith (2,602,521) or Fleisher (2,636,572).

Smith discloses a filter matrix for cooking equipment (see col. 1, lines 1-8) comprising at least one filter screen layer having a predetermined apertures defined therein arranged in an array for the passage of cooking smoke therethrough to create a labyrinthine pathway through the filter structure (see details of Figs. 1-4, col. 2, line 53 through col. 3, line 39).

Fleisher discloses a filter matrix comprising at least one filter screen layer made of expanded metal having a predetermined apertures defined therein arranged in an array for the passage of cooking smoke therethrough to create a labyrinthine pathway through the filter structure (see details of Figs. 1-5, col. 2, line 40 through col. 4, line 55).

As to the numerical requirements of claims 2, 4-21, 29, 31-38, 40 and 43-57, the specification contains no disclosure of either the critical nature of these requirements or any unexpected results arising therefrom, and as such these requirements would be arbitrary and therefore obvious. Applicants **must** show that these requirements are critical. In re Woodruff, 16 USPQ 2d 1934.

Response to Arguments

Applicant's arguments filed on May 29, 2007 have been fully considered but they are not persuasive.

Applicant argues that the cited reference "Beier provides a high loft, non-woven fibrous fluid permeable material which is primarily used to collect liquid droplets in paint spray booths, not a filter matrix of expanded metal filter layers as claimed". The Examiner now drops the Beier reference and newly introduces either Smith (2,602,521)

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or Fleisher (2,636,572) under the 102(b) rejections of claims 1, 3, 22-28, 30, 39, 41, 42, 58 and 59 to show:

Smith teaches a filter matrix for cooking equipment (see col. 1, lines 1-8) comprising a plurality of filter screen layers made of expanded metal having a predetermined apertures defined therein arranged in an array for the passage of cooking smoke therethrough to create a labyrinthine pathway through the filter structure (see details of Figs. 1-4, col. 2, line 53 through col. 3, line 39), as claimed.

Fleisher teaches a filter matrix comprising a plurality of filter screen layers made of expanded metal having a predetermined apertures defined therein arranged in an array for the passage of cooking smoke therethrough to create a labyrinthine pathway through the filter structure (see details of Figs. 1-5, col. 2, line 40 through col. 4, line 55), as claimed.

Applicant's arguments with respect to claims 1-59 have been thoroughly considered but are moot in view of the new ground(s) of rejection, as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Minh-Chau Pham
Patent Examiner
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July 23, 2007